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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/800,641	03/16/2004	Haruo Akiba	250385US3	1150
22850 7590 07/19/2007 OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				
			EXAMINER KASZTEJNA, MATTHEW JOHN	
			ART UNIT 3739	PAPER NUMBER
			NOTIFICATION DATE 07/19/2007	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com  
oblonpat@oblon.com  
jgardner@oblon.com

## Office Action Summary

Application No.

10/800,641

Applicant(s)

AKIBA, HARUO

Examiner

Matthew J. Kasztejna

Art Unit

3739

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) 9-11 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 7 and 8 is/are rejected.
- 7) ☒ Claim(s) 4-6 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 March 2004 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 6/16/04.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_.
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Election/Restrictions***

Claims 9-11 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on April 30, 2007.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1 and 3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "connection port" in line 19 of the claim. There is insufficient antecedent basis for this limitation in the claim.

Claim 3 recites the limitation "fluid supply adaptor" in line 10 of the claim. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,548,197 to Kinoshita.

**In regards to claims 1**, Kinoshita discloses an endoscopic fluid supply conduit system suitable for use in an endoscope having an insertion tube 3 and a universal cable 4 connected to and from a manipulating head assembly 2, the fluid supply conduit system comprising: a first fluid conduit 7 extended from the manipulating head assembly and through the insertion tube toward a injection port provided on a rigid tip end section at the fore distal end of the insertion-tube; a fluid feed port provided on the manipulating head assembly in communication with the first fluid conduit and arranged to permit connection of a fluid feed adaptor 6; a second fluid conduit 96a provided internally of the universal cable and communicable with the first fluid conduit within the manipulating head assembly; and a fluid supply channel selector 9 means adapted to block a fluid flow from the second fluid conduit to the first fluid conduit at the time of feeding a fluid from the fluid feed port to the first fluid conduit, while permitting a fluid flow from the second fluid conduit to the first fluid conduit when the connection port is closed (see Figs. 1-2 and Col. 3, Lines 10-65).

**In regards to claim 2**, Kinoshita discloses an endoscopic fluid supply conduit system, wherein the fluid feed port on the manipulating head assembly is provided on a side away from the side to which the insertion tube is connected (see Fig. 1).

Claims 1-3 and 7-8 are rejected under 35 U.S.C. 102(a) as being anticipated by U.S. Patent No. 6,425,535 to Akiba.

**In regards to claims 1,** Akiba discloses an endoscopic fluid supply conduit system suitable for use in an endoscope having an insertion tube 2 and a universal cable 3 connected to and from a manipulating head assembly 1, the fluid supply conduit system comprising: a first fluid conduit 12a extended from the manipulating head assembly and through the insertion tube toward a injection port provided on a rigid tip end section at the fore distal end of the insertion-tube; a fluid feed port 20a provided on the manipulating head assembly in communication with the first fluid conduit and arranged to permit connection of a fluid feed adaptor; a second fluid conduit 12b provided internally of the universal cable and communicable with the first fluid conduit within the manipulating head assembly; and a fluid supply channel selector 23 means adapted to block a fluid flow from the second fluid conduit to the first fluid conduit at the time of feeding a fluid from the fluid feed port to the first fluid conduit, while permitting a fluid flow from the second fluid conduit to the first fluid conduit when the connection port is closed (see Figs. 1-4 and Col. 5, Line 35 – Col. 6, Line 22).

**In regards to claim 2,** Akiba discloses an endoscopic fluid supply conduit system, wherein the fluid feed port on the manipulating head assembly is provided on a side away from the side to which the insertion tube is connected (see Fig. 1).

**In regards to claim 3,** Akiba discloses an endoscopic fluid supply conduit system, wherein the fluid supply channel selector means includes a mouth piece 22 fixedly fitted in the fluid feed port, the mouth piece being provided with an axial receptacle bore 24, a first connection port 12a formed at an inner axial end of the mouth piece for connecting the first fluid conduit in communication with the receptacle bore,

and a second connection port 12b provided at one side of the mouth piece for connecting the second fluid conduit in communication with the receptacle bore, the second connection port being closed when the fluid supply adaptor is connected to the mouth piece, and the first and second connection ports being brought into communication with each other when a plug member is fitted in an outer open end of the receptacle bore of the mouth piece (see Figs. 3-4).

**In regards to claims 7-8**, Akiba discloses an endoscopic fluid supply conduit system, wherein the fluid feed adaptor is provided with a Luer-Lok mechanism to permit connection of at least one Luer-Lok syringe (see Fig. 1).

#### ***Allowable Subject Matter***

Claims 4-6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew J. Kasztejna whose telephone number is (571) 272-6086. The examiner can normally be reached on Mon-Fri, 8:30-6:00.

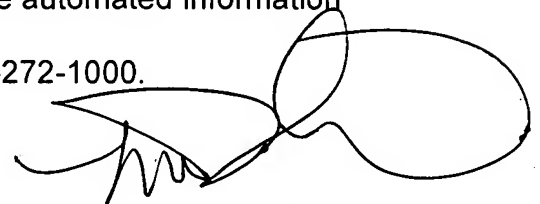
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Linda C.M. Dvorak can be reached on (571) 272-4764. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MJK *ML*

7/2/7



LINDA C. M. DVORAK  
SUPERVISORY PATENT EXAMINER  
GROUP 3700